

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN
DOCUMENT
ELECTRONICALLY FILED
DOC #: DATE FILED: 1-10-24

UNITED STATES OF AMERICA,	:	
v.	:	S1 17 Cr. 357 (LAK)
ROBERT OLAN,	:	
<i>Defendant.</i>	:	

[PROPOSED] ORDER TO RETURN CRIMINAL FINE AND SPECIAL ASSESSMENT

WHEREAS on September 21, 2018, the Court Ordered Mr. Olan to pay a \$500 special assessment;

WHEREAS on September 21, 2018, the Court Ordered Mr. Olan to pay a criminal monetary penalty of \$1,250,000.00;

WHEREAS on October 19, 2018, a Satisfaction of Judgment was entered acknowledging Mr. Olan's payment of the special assessment and criminal monetary penalty;

WHEREAS on December 30, 2019, the U.S. Court of Appeals for the Second Circuit affirmed the convictions of Mr. Olan. *United States v. Blaszczak*, 947 F.3d 30 (2d Cir. 2019);

WHEREAS on September 4, 2020, Mr. Olan filed a petition for a writ of certiorari;

WHEREAS the Supreme Court vacated the U.S. Court of Appeals for the Second Circuit's judgment and remanded the case for further consideration in light of *Kelly v. United States*, 140 S. Ct. 1565 (2020);

WHEREAS on remand to the U.S. Court of Appeals for the Second Circuit, the Government conceded error with respect to Counts One, Two, Three, Nine and Ten in light of *Kelly*;

WHEREAS on December 27, 2022, the U.S. Court of Appeals for the Second Circuit issued a decision, *inter alia*, remanding Counts Two, Three, Nine, and Ten of the Indictment to the District Court to permit the Government to dismiss those counts of conviction, and remanding Count One of the Indictment to the District Court for a new trial. *United States v. Blaszczak*, 56 F.4th 230 (2d Cir. 2022);

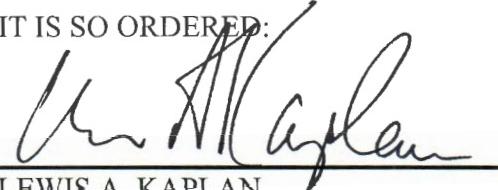
WHEREAS on November 1, 2023, a *nolle prosequi* was entered as to Mr. Olan;

WHEREAS on December 21, 2023, this Court entered an Order to Return Criminal Fine, Special Assessment, Restitution and Forfeiture;

NOW, THEREFORE, IT IS HEREBY ORDERED, that the December 21, 2023 Order to Return Criminal Fine, Special Assessment, Restitution and Forfeiture is stricken and that the payment of the special assessment and criminal monetary penalty totaling \$1,250,500 be returned to Mr. Olan by Electronic Funds Transfer using the banking information on the Form AO 213P provided by him to the Finance/Cashier Department.

Dated: 1/10, 2024
New York, New York

IT IS SO ORDERED:



LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE



Andrew Mohan

From: Rothman, Alexandra (USANYS) <Alexandra.Rothman@usdoj.gov>
Sent: Wednesday, January 10, 2024 1:11 PM
To: Andrew Mohan
Cc: Eugene.ingoglia@AllenOvery.com
Subject: RE: Government Consent re newest order

CAUTION - EXTERNAL:

Dear Andy,

Thank you. The Government consents to the so ordering of the 1/9/24 proposed order. Please let me know if you need additional correspondence.

Respectfully,
Alexandra Rothman